

ELLIOT BLOCK SBN 116999
Chief Counsel
HEATHER L. HUNT SBN 225861
Staff Counsel III
Attorney for Complainant
CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING & RECOVERY
1001 I Street, 23rd Floor
P. O. Box 4025
Sacramento, CA 95812-4025
Telephone: (916) 341-6068
Facsimile: (916) 319-7677

STATE OF CALIFORNIA

DEPARTMENT OF RESOURCES RECYCLING & RECOVERY

IN THE MATTERS OF:

DANIEL GOMEZ DBA COAST TIRE
RECYCLING

TPID NOS: 1552814
1598468

RESPONDENT.

ADMINISTRATIVE DECISION FOR THE
DENIAL OF THE WASTE AND USED
TIRE HAULER REGISTRATION AND
WASTE TIRE STORAGE PENALTIES

PUBLIC RESOURCES CODE SECTION
42960

AGENCY NOS. 2009-000049-DEN
2009-011107-ADC

OAH NO. 2009-121236
2010-041189

Pursuant to Public Resources Code (PRC) section 42850(b), the California Department of Resources Recycling and Recovery (CALRECYCLE) served an Administrative Complaint For Waste Tire Storage Administrative Penalties on DANIEL GOMEZ DBA COAST TIRE RECYCLING (Respondent) on March 10, 2010, and a Statement of Issues for the Denial of Waste and Used Tire Hauler Registration on November 24, 2009, which were subsequently consolidated.

To avoid the uncertainties of litigation, RESPONDENT entered into a Stipulation for Issuance of Administrative Decision for the Denial of the Waste and Used Tire Hauler Registration and Waste Tire Storage Penalties (Stipulation) on

1 September 1, 2010, to resolve the allegations in the above-referenced Administrative
2 Complaint and Statement of Issues. Pursuant to the Stipulation, and good cause
3 appearing therefore, the following Stipulated Factual Findings and Conclusions of Law
4 are made, and the following Order is issued.

5 **STIPULATED STATEMENT OF FACTS**

6 1. CALRECYCLE has authority to inspect, permit, regulate and conduct
7 enforcement actions against Waste Tire Facilities within the State of California under
8 Public Resources Code (PRC) section 42800, et seq., and attendant regulations
9 contained in Title 14 of the California Code of Regulations (CCR).

10 2. CALRECYCLE is authorized to suspend, revoke, or deny a waste and
11 used tire hauler registration for a period of up to three years if the holder of the
12 registration commits more than three violations of, or fails to comply with, any
13 requirements of California's Tire Hauler Registration Law set forth in PRC section
14 42950 et seq., or any requirements of California's Waste Tire Law set forth in PRC
15 section 42800 et seq., or the regulations adopted pursuant to these provisions, within a
16 one-year period.

17 3. RESPONDENT has been a registered waste and used tire hauler since
18 February 13, 2001.

19 4. Pursuant to PRC section 42834 and 14 CCR section 18420, the operator
20 of a Waste Tire Facility accepting and storing more than 499 waste tires must possess a
21 valid Minor Waste Tire Facility Permit issued by CALRECYCLE.

22 5. Pursuant to PRC section 42823 a Waste Tire Facility storing more than
23 4,999 waste tires must possess a valid Major Waste Tire Facility Permit issued by
24 CALRECYCLE.

25 6. On May 12, 2009, CIWMB Inspector Steve Dolan, conducted an
26 inspection of 1220 West Main Street, in Santa Maria, California 93454. The inspector
27 determined that more than 6,000 waste tires were stored at this site and issued a Notice
28 of Violation (Inspection Report I6-1059908). On June 16 2009, Inspector Dolan

1 conducted a follow-up inspection and issued a Notice of Violation after he determined
2 that 750 waste tires remained onsite (Inspection Report I1-1095517).

3 7. On August 13, 2009, the CIWMB issued Cleanup and Abatement Order
4 No. 2009-010981-CAO (CAO) requiring the removal of the waste tires located at 1220
5 West Main Street, Santa Maria, CA 93454, within thirty (30) days of service of the CAO.
6 On November 9, 2009, Inspector Dolan conducted a re-inspection and documented that
7 less than 500 waste or used tires remained on the site.

8 8. On October 18, 2009, CIWMB Inspector Steve Dolan conducted an
9 inspection at 1270 W. McCoy Lane, Santa Maria, California, 93455. The inspector found
10 more than 4,900 waste tires stored at this site and issued a Notice of Violation
11 (Inspection Report No. I1-1059845). On November 9, 2009, Inspector Dolan conducted
12 a follow-up inspection, and verified all waste tires had been removed from this site.

13 9. On November 9, 2009, CIWMB Inspector Steve Dolan conducted an
14 inspection at 1440 Jason Way, Units # 118 and 120, Orcutt, CA 93455. The inspector
15 determined that more than 2,850 waste tires were stored on this site and issued a
16 Notice of Violation to RESPONDENT (Inspection Report I9-1068077).

17 10. RESPONDENT is currently operating a "collection facility" as set forth in
18 14 CCR section 17225.717, registered with CALRECYCLE under TPID no: 1552814.

19 11. RESPONDENT failed to manifest loads of waste tires to the three waste
20 tire facilities discussed in paragraphs 6 through 9 above.

21 12. On September 14, 2009, CIWMB issued a Decision and Order for \$400 in
22 waste tire hauler penalties pursuant to a Stipulation between the CIWMB and
23 RESPONDENT for manifesting violations. Specifically, on eight occasions between
24 January 1, 2009 and January 31, 2009, RESPONDENT failed to submit completed
25 manifest forms to the CIWMB within ninety (90) days in violation of PRC section
26 42961.5.

1 **STIPULATED LEGAL CONCLUSIONS**

2 13. On or after May of 2009, RESPONDENT unlawfully operated at least
3 three Minor or Major Waste Tire Facilities at the three separate locations described
4 above in paragraphs 6 through 9, in violation of PRC sections 42834 and 42824.
5 RESPONDENT failed to apply for a waste tire facility permit prior to operating all three
6 waste tire facilities in violation of 14 CCR section 18420.

7 14. RESPONDENT failed to manifest loads of waste tires to or from the three
8 unlawful Waste Tire Facilities described in paragraphs 6 through 9 above, in violation of
9 PRC section 42961.5.

10 **STIPULATED PENALTIES**

11 CALRECYCLE adopts and approves the terms of the Stipulation and the
12 following Order hereby made:

13 a. RESPONDENT's Waste Tire Hauler Registration shall be suspended for a
14 period of one (1) year, ten (10) months of which will be stayed for a period of two (2)
15 years unless RESPONDENT defaults on the terms of the Stipulation. Two (2) months
16 of the suspension shall be served during the time from October 1, 2010, through
17 November 30, 2010.

18 b. RESPONDENT shall not haul used or waste tires during the two-month
19 suspension period, shall not allow any other hauler to use RESPONDENT'S vehicles to
20 transport waste or used tires during the two-month suspension period, or participate in
21 the operation of another waste or used tire hauling business during the two-month
22 suspension period.

23 c. RESPONDENT shall pay an administrative penalty for Waste Tire Storage
24 penalties to CALRECYCLE in the sum of Six Thousand Dollars (\$6,000.00), payable in
25 monthly \$500 increments, the first of which is due by January 1, 2011.

26 d. RESPONDENT shall advise CALRECYCLE of any new location of its
27 collection facility; provide CALRECYCLE with an authorization signed by the property
28 owner granting RESPONDENT the use of the property to operate its collection facility at

1 errors and omissions, where at most one error or omission is counted per manifest, in
2 any three month period.

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6 Dated: September 22, 2010



MARK LEARY

Executive Director

CALIFORNIA DEPARTMENT OF
RESOURCES RECYCLING AND
RECOVERY